

REMARKS

The amendment is considered to be appropriate since in Applicants description and in the first response the term "cooler" was clearly be used – as it was used also by the Examiner in the first official action - in the sense of a heat exchanger for cooling since the "charge air coolers" of the cited references to which the Examiner referred were actually all "heat exchangers for cooling" and it was argued by the undersigned in the response to this action in this sense. Only in the final action has the Examiner changed his language to call the heat exchanger a cooler and attributed to this term also the meaning that there may be no second fluid flowing through the "cooler" to which heat removed from the exhaust gas is transferred. This was done by the Examiner in order to devalue part of applicants arguments.

Consequently, the amendment requested herewith is considered to be justified as a result of the Examiner's action.

Allowance of claims 1 – 8 is once more solicited.

A Notice of Appeal is enclosed herewith.

Respectfully submitted,



Klaus J. Bach, Reg. No. 26832